

**LABEL, IN PART:** "Sea-Land Selected Blueberries With Sugar Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten blueberries.

**DISPOSITION:** March 10, 1947. The Sea-Land Frosted Foods Corp., claimant, having failed to file an answer to the libels, judgments of condemnation were entered and the product was ordered disposed of by delivery to a public institution, for use as animal feed.

**11924. Adulteration of canned cherries and misbranding of canned apricots. U. S. v. Colorado Mountain Food Co. Plea of nolo contendere. Fine, \$300. (F. D. C. No. 22002. Sample Nos. 51865-H, 72526-H.)**

**INFORMATION FILED:** April 1, 1947, District of Colorado, against the Colorado Mountain Food Co., a partnership, Grand Junction, Colo.

**ALLEGED SHIPMENT:** On or about August 14 and September 4, 1946, from the State of Colorado into the States of Minnesota and Oklahoma.

**LABEL, IN PART:** "Mellhorn Brand Choice Rocky Mountain Whole Unpeeled Apricots In Heavy Syrup," or "Mellhorn Brand Choice Rocky Mountain Dark Sweet Cherries In Medium Syrup."

**NATURE OF CHARGE:** Canned cherries. Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of whole insects, insect parts, and a worm skin fragment.

Canned apricots. Misbranding, Section 403 (g) (2), the label of the article failed to bear the name of the optional packing medium. The label bore the statement "In Heavy Syrup," and the article was packed in sirup designated as light sirup in the definition and standard for canned apricots.

**DISPOSITION:** April 21, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$300.

**11925. Adulteration of canned plums and frozen cherries. U. S. v. Verland V. Erntson. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 21560. Sample Nos. 7991-H, 19441-H.)**

**LIBEL FILED:** February 7, 1947, District of Oregon, against Verland V. Erntson, Albany, Oreg.

**ALLEGED SHIPMENT:** On or about July 19 and October 11, 1945, from the State of Oregon into the States of New Jersey and Minnesota.

**LABEL, IN PART:** "Light Cherries Packed in Syrup By Associated Frozen Food Packers Inc. Seattle Wash," or "Purple Plums In Heavy Syrup."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the frozen cherries consisted in part of a filthy substance by reason of the presence of maggots, and the canned plums consisted in part of a decomposed substance by reason of the presence of decomposed prune material.

**DISPOSITION:** April 3, 1947. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

**11926. Misbranding of canned cherries. U. S. v. 32 Cases \* \* \*. (F. D. C. No. 21837. Sample No. 48156-H.)**

**LIBEL FILED:** December 6, 1946, District of Utah.

**ALLEGED SHIPMENT:** On or about October 12, 1946, by Chas. P. Wagner Bros., from New Orleans, La.

**PRODUCT:** 32 cases, each containing 24 9½-ounce bottles, of cherries at Provo, Utah. Examination showed that the product was short-weight.

**LABEL, IN PART:** "Helen Ann Cherries in Heavy Syrup Net Weight 9½ Ozs."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents.

**DISPOSITION:** August 1, 1947. Default decree ordering product delivered to charitable institutions.

**11927. Adulteration of canned peaches. U. S. v. Spartanburg Cooperative Cannery, Inc. Plea of nolo contendere. Fine, \$5. (F. D. C. No. 22051. Sample Nos. 54589-H, 54590-H.)**

**INFORMATION FILED:** April 18, 1947, Western District of South Carolina, against the Spartanburg Cooperative Cannery, Inc., Spartanburg, S. C.

**ALLEGED SHIPMENT:** On or about September 25, 1946, from the State of South Carolina into the State of North Carolina.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of wormy peaches.

**DISPOSITION:** October 30, 1947. A plea of nolo contendere having been entered on behalf of the defendant, a fine of \$5 was imposed.

**11928. Adulteration and misbranding of canned peaches. U. S. v. 343 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 21599, 22187. Sample Nos. 1978-H, 54589-H.)

**LIBELS FILED:** November 1, 1946, and January 14, 1947, Middle and Eastern Districts of North Carolina.

**ALLEGED SHIPMENT:** On or about September 25 and October 26, 1946, by the Spartanburg Cooperative Cannery, Inc., from Spartanburg, S. C.

**PRODUCT:** Canned peaches. 343 cases at Sanford and 399 cases at Raleigh, N. C. Each case contained 24 1-pound, 12-ounce cans, of the product.

**LABEL, IN PART:** "S-C Yellow Freestone Peaches," or "Spartan Kist Yellow Freestone Peaches Halves."

**NATURE OF CHARGE:** Sanford lot. Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of wormy peaches.

Raleigh lot. Misbranding, Section 403 (h) (1), the article fell below the standard of quality for canned peaches by reason of the fact that more than 20 percent of the units in the containers of the article were blemished with scab, hail injury, discoloration, or other abnormalities, and all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape.

**DISPOSITION:** January 17 and February 20, 1947. The Spartanburg Cooperative Cannery having appeared as claimant for the Raleigh lot, and no claimant having appeared for the Sanford lot, judgments of condemnation were entered. It was ordered that the Raleigh lot be released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration, and that the Sanford lot be destroyed.

**11929. Adulteration and misbranding of canned peaches. U. S. v. 171 Cases \* \* \* (and 1 other seizure action).** (F. D. C. Nos. 21683, 21741. Sample Nos. 25060-H, 25062-H.)

**LIBELS FILED:** November 25 and December 3, 1946, Western District of Louisiana.

**ALLEGED SHIPMENT:** On or about September 13 and 14, 1946, by the Valley Packing Co., from Atkins, Ark.

**PRODUCT:** 171 cases, each containing 6 6-pound, 10-ounce cans, of peaches at Monroe, La., and 180 cases, each containing 24 1-pound, 13-ounce cans, of the same product at West Monroe, La.

**LABEL, IN PART:** "Big 3 Brand Yellow Freestone Whole Peaches In Light Syrup."

**NATURE OF CHARGE:** Adulteration (180-case lot), Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of worms.

Misbranding (171-case lot), Section 403 (g) (2), the article fell below the definition and standard of identity since it failed to bear a label containing the name of the food specified in the definition and standard, and the name of the optional packing medium present. The labels bore the statement "Yellow Freestone Whole Peaches In Light Syrup," whereas the article also contained white freestone peaches, and was packed in sirup designated as "slightly sweetened water" in the definition and standard. Further misbranding, Section 403 (h) (1), the article fell below the standard of quality since more than 20 percent of the units in the containers were blemished with discolorations and other abnormalities, and all units of the article were not untrimmed, or were so trimmed as not to preserve normal shape; and its label failed to bear, in such a manner and form as the regulations specify, a statement that it fell below the standard.